

1871-001 Chancery Causes William W. Fulkerson vs. Margaret E. Fulkerson &  
Lee Co.

Hensley

CA - Estate Dispute  
T - Property



To the Honorable Henry J. Morgan Judge  
of the County Court of Lee County

The Bill of Complaint of William H.  
Thurkerson of Lee County Virginia humbly Com-  
plaining respectfully represents that his father  
the late Peter Thurkerson of said County died  
about 22 years ago leaving a widow your Orator's  
mother and three children to wit your Orator  
Mariah Thurkerson who afterwards intermarried  
with one Sylvester Hensley and both she and  
her husband have since died leaving two minor  
children to wit Margaret H. and Sylvester Peter  
Hensley who are still minors, and Margaret  
P. Thurkerson who is over the age of twenty one  
years. Your Orator will here state that his  
father made a will which is on record by  
which he devised his real estate consisting of  
four small tracts lying and being on the  
main road in Lee County Va. about 14 miles  
west of Janesville to his widow during her  
natural life and after her death it was  
to fall jointly to his three children as aforesaid  
and your Orator's mother the widow having since died  
Leaving so that under said will your Orator  
is now the owner of the one undivided third  
of his father's real estate as well as his mother  
and the two children of Mariah Hensley have  
together the same interest and the said  
Margaret P. Thurkerson has also the same interest  
all of which is undivided and contains in  
the aggregate about 300 acres and is worth  
some four or five thousand dollars.

Now the object of this Bill is to obtain  
a partition of the said lands amongst  
the parties entitled thereto and your



Your Petitioner being without an adequate  
remedy at law and relievable only in  
a Court of equity his prayer therefore  
is that the said Margaret C. Fulbertson and  
Margaret F. L. Henry and Sylvester Peter  
Hendy be made the parties defendant in  
this bill and be required to answer the  
same upon their oaths and that a  
guardian ad litem be appointed for the  
said Margaret F. L. and Sylvester Peter Hendy  
to answer and defend for them in this  
cause and that a decree be entered appoint-  
ing Commissioners to make partition of  
the lands among the parties entitled  
and such other and general relief be  
extended to your petitioner as may be com-  
patible with equity and justice and  
best suited to his case may the Com-  
monwealths writ of Habeas Corpus issue directed  
&c.

David Miller  
for Complainant



J.B. Hale C# 3.70

William H. Fulkerson

vs. Bill in Chy.

Margaret B. Fulkerson  
et al.

1870. Aug. 1. Sp. ad on Margaret  
E. Fulkerson & D. N. as to leg. R. H.  
Pr. De. on ap. E. N. to for other  
depts. & countd.

Sept. D. N. Conf'd as to div  
part E. Fulkerson & countd  
Oct. Cause act for heavy b. p. p.

Decree for partition & countd.

1871 Jan. 1. D. N. R. H. C. N.  
" April & May continued

1871 June Term Decree final.

J.B. Hale 3.76

C. 4.53

A. 15.00

S. 2.00

G. 2.16 5.00

\$ 30.59



To The Honorable Henry J. Morgan Judge of the  
County Court of Lee County -  
The joint answer of Margaret F. L. Hensley &  
Sylvester Peter Hensley, by A. L. Pridemore their  
guardian ad litem, to a bill filed in this Hon-  
orable, by William W. Fulkerson, against these  
respondents et al. Respondent saving and ex-  
cepting now and at all other times all just and  
proper exceptions thereto for answer saying that  
he knows of no defense he could make  
for his said wards that would bar the plaintiff's  
claim of partition, but upon the other hand  
he supposes it would promote the interest  
of his said wards; they being of tender  
years and incapable of properly understand-  
ing their legal rights, he throws them for  
protection upon this Honorable Court, the pe-  
culiar guardian of infants and their rights  
and prays that such orders & decrees as  
may be just and equitable, be entered up  
in said case, and having now answered  
he prays to be hence dismissed with  
his costs.

A. L. Pridemore  
Guardian ad litem -

Virginia Lee County to wit

This day A. L. Pridemore personally appeared  
before me the undersigned and made oath that  
the foregoing answer so as it depends on his  
own knowledge is true and so far as it depends  
on information received from others he believes  
it to be true given under my hand this 15<sup>th</sup> Oct 1870

For this answer \$5.00

John B. West, Clerk



A. L. Dickmore Guardian and Editor

advs }

Answers

William W. Luskerson

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1870 oct. R. Answer filed  
J. B. West clk

W. W. Luskerson

To A. L. Dickmore ad

To this answer. \$5.00



William M. Fulkerson . Complainant }  
against } Decree Final  
Margaret E. Fulkerson & others Defendants }

This Cause came on again to be further heard upon the papers formerly read in this Cause and the report of Claiborne Anderson Charles Daigherty and George McDonald Commissioners appointed by a former decree of this Court to make partition of the land in the bill mentioned and a part of the deed of Conveyance from William M. Fulkerson to Margaret E. Fulkerson And it appearing to the Court that the said William M. Fulkerson since this suit was brought has conveyed his part of the land in the bill mentioned to the Defendant Margaret E. Fulkerson which makes the partition of their shares as between themselves unnecessary and it further appearing to the Court that the Commissioners have laid off and allotted to Defendants Margaret S. Hensley and Sylvester P. Hensley the minors their third part of the the land & the said Margaret E. Fulkerson the other two thirds of said land the said Commissioners are hereby relieved from any further partitioning of the said lands and their said report having been filed in the County Court Clerks office <sup>more than 30 days</sup> and no exceptions having been filed thereto the same is hereby confirmed On consideration of which it is hereby adjudged ordered and decreed that the said Margaret S. Hensley and the said Sylvester P. Hensley hold jointly the one third and the said Margaret E. Fulkerson the remaining two thirds of the lands in the bill mentioned as allotted and assigned to them in the said Commissioners report free from the claims of each other, <sup>the said two thirds being</sup> subject however to the said William M. Fulkersons reserved interest contained in



in his deed of Conveyance aforesaid And the Clerk  
 of this Court is hereby directed to record in the deed  
 book in his office the said report of the Commissioners  
 and the plat and this decree and it further appearing  
 that this suit <sup>is</sup> for the mutual benefit of all the parties  
 thereto it is ordered adjudged and decreed that they  
 the said William W. Fulkerson and Margaret E. Fulkerson  
 each pay one third of the taxable Costs of this suit  
 and that the Guardian of the minors Margaret F. L.  
 and Sylvester P. Hendley pay one Third for which  
 he will be entitled to a credit in the Settlement of  
 his Guardianship accounts and no further action  
 being necessary this Cause is stricken from the docket.

William W. Fulkerson  
 Decree final,  
 Margaret E. Fulkerson  
 & others

Entered 5/13/87 page 277.  
 J. B. Mack, Clerk

Enter two decrees

H. F. Morgan  
 June 22 1874

(old 1)



Wm H. Fulkerson

Plff

vs

Margaret E. Fulkerson & co

Dyts

In Chy

On the motion of A S Bidemore guardian ad Litem for Margaret F S and Sylvester P Hensley the infant dyts in this cause, leave is granted him to file his answer which is accordingly done, And thereupon the cause came on to be heard upon the bill of the plaintiff, the answer of the said infant defendants by their guardian ad Litem, And was argued by counsel. And it appearing to the Court that the defendant Margaret E. Fulkerson has been duly served with process more than two months before the present term of this court and the cause regularly matured at her to her, and set for hearing, and she still failing to appear and answer. The bill <sup>as</sup> to her is taken for confessed, And the Court being of opinion that by the 16th Section of the 17th chapter of the Code of 1860 the appearance of the infant defendants by their guardian ad Litem is a waiver of the service of process as to such. And that the plaintiff is entitled to partition of the lands in the bill mentioned, All which being considered, the Court doth adjudge order and decree, that partition thereof be made, And to attain this object Claiborne Anderson, Charles Daugherty and George R. McDonald are appointed Commissioners who are charged with the duty of making partition among the parties to this Suit according to their respective rights of the lands bequeathed to them by Peter Fulkerson deceased. The said Commissioners will assign to the plaintiff Wm H. Fulkerson - One equal third part of said lands quantity and quality considered, To Margaret E Fulkerson, a like third, and to the infant defendants Margaret F S and Sylvester P. Hensley a like equal third being the share to which their deceased mother would have been entitled had she lived, And the said Commissioners will make a report to the Court showing the entire boundaries of said lands and the metes and bounds of the several lots assigned to the parties together with plots thereof, And the cause is continued.



Wm. H. Fulkerson

at } Dec

Margaret Fulkerson ad.  
Entered Order Book Page 97.  
& 98.

Jas W Orr, D. Clerk

Entered this order.

Henry J. Morgan  
16 Oct 1870

chd. 55



Virginia

At a County Court continued and held for Lee County at the  
Court house thereof on Wednesday the 19th day of October 1870.  
Wm W Fulkerson vs Margaret E Fulkerson et al - In Chancery.  
The Court doth adjudge, order, and decree  
that partition thereof be made, and to attain this object - Claiborne  
Anderson, Charles Daugherty, and George McDonald are appointed  
commissioners, who are charged with the duty of making partition  
among the parties to this suit, according to their respective  
rights, of the lands bequeathed to them by Peter Fulkerson, de-  
ceased. The said commissioners will assign to the plaintiff  
Wm W Fulkerson one equal third part of said lands, quantity  
and quality considered, to Margaret E Fulkerson a like third,  
and to the infant defendants Margaret H. L. and Sylvester P. Henry  
a like equal third, being the share to which their deceased  
mother would have been entitled, had she lived, and the  
said commissioners will make a report to the Court, showing the  
entire boundaries of said lands, and the metes and bounds  
of the several lots assigned to the parties. Together with plats  
thereof, and the cause is continued.

A copy Teste - James W Orr, D. C. Ck.

A copy Teste - James W Orr, D. C. Ck.



$$\begin{array}{r} 124 \\ 137 \\ \hline 461 \end{array}$$

$$\begin{array}{r} 97 \\ 86 \\ \hline 21 \end{array}$$





The Commonwealth of Virginia,



TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU TO SUMMON *Margaret B. Fulkerson and Margaret  
F. L. Hensley & say unto Peter Hensley,*

to appear before the Judge of our County Court for Lee County, at the Court-House, in the Clerk's  
Office, at Rules to be holden for said Court, on the *1st* Monday in *August*  
next, to answer a bill in Chancery, exhibited in our said Court, against *them* by *William  
H. Fulkerson*

And have then there this writ. Witness, JOHN B. WEST, Clerk of our said Court, at the  
Court-House, this *25th* day of *July* 1870, in the *90th* year of the  
Commonwealth.

*John B. West* Clerk.



